

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X

UNITED STATES OF AMERICA

SEALED
INDICTMENT

- v. -

10 Cr.

MARK COLON,
a/k/a "Marcos,"
a/k/a "Mono,"
a/k/a "Father,"
a/k/a "Woody,"
ANGEL COLON,
a/k/a "A,"
GABRIEL BORJA,
a/k/a "Indio,"
BENNY ROSARIO,
a/k/a "Benny Blanco,"
EDUARDO SILVA,
a/k/a "Long Hair,"
SANTOS CRESPO-AYUSO,
a/k/a "Santi,"
MAUDO FRANCISCO GUITI-LOPEZ,
a/k/a "Modesto Andres Morrell
Perez,"
a/k/a "Mysterio,"
JONATHAN ASCA-TORRES,
HERMAN BURTON,
DONALD CANNON,
JORGE CENTENO,
a/k/a "Gee Kee,"
a/k/a "G,"
JOSE DE LA CRUZ,
a/k/a "Nene,"
DAAMU DIGGS,
a/k/a "Smoke,"
a/k/a "Mook,"
GUALBERTO FINES,
a/k/a "Chucky,"
ANGEL GONZALEZ,
OTIS JONES,
a/k/a "O,"
DAMIAN LEWIS,
THOMAS CARTER LOVE,
THELONIOUS MONK,
a/k/a "Shaka,"
CARLOS RIVERA,
a/k/a "Moco,"
a/k/a "Moc,"
LIONEL VEGA,
a/k/a "Pipo,"

PURYEAR VENABLE,	:
a/k/a "Primo,"	
CHARLES WARNER,	:
a/k/a "C.J.,"	
KEVIN WASHINGTON, and	:
JAMES WILLIAMS,	
a/k/a "Vaughn,"	:
Defendants.	:

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COUNT ONE

The Grand Jury charges:

BACKGROUND

1. At all times relevant to the Indictment, a drug trafficking organization (herein the "Colon Organization" or the "organization") was operating in Orange County, New York.

2. The Colon Organization distributed large quantities of powder cocaine and cocaine base in the form commonly referred to as "crack" in Orange County, primarily in and around Middletown, New York. The activities of the Colon Organization were coordinated by seven core members: MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," ANGEL COLON, a/k/a "A," GABRIEL BORIA, a/k/a "Indio," BENNY ROSARIO, a/k/a "Benny Blanco," EDUARDO SILVA, a/k/a "Long Hair," SANTOS CRESPO-AYUSO, a/k/a "Santi," and MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," the defendants (collectively, the "Core Members"). The Core Members supplied narcotics to a network of other members of the Colon Organization for further distribution (the "Distribution

Network"). The Core Members also collected proceeds of the distribution of those narcotics from the Distribution Network.

3. MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," was the leader of the Colon Organization and oversaw the actions of the other Core Members, which actions included making trips to obtain a source of supply of cocaine, transporting the supply of cocaine to, among other locations, Orange County, cooking powder cocaine into crack cocaine, distributing narcotics to the Distribution Network, and collecting drug proceeds.

4. JONATHAN ASCA-TORRES, HERMAN BURTON, DONALD CANNON, JORGE CENTENO, a/k/a "Gee Kee," a/k/a "G," JOSE DE LA CRUZ, a/k/a "Nene," DAAMU DIGGS, a/k/a "Smoke," a/k/a "Mook," GUALBERTO FINES, a/k/a "Chucky," ANGEL GONZALEZ, OTIS JONES, a/k/a "O," DAMIAN LEWIS, THOMAS CARTER LOVE, THELONIOUS MONK, a/k/a "Shaka," CARLOS RIVERA, a/k/a "Moco," a/k/a "Moc," LIONEL VEGA, a/k/a "Pipo," PURYEAR VENABLE, a/k/a "Primo," CHARLES WARNER, a/k/a "C.J.," KEVIN WASHINGTON, and JAMES WILLIAMS, a/k/a "Vaughn," were members of the Distribution Network. The members of the Distribution Network received powder cocaine and crack cocaine from the Core Members for further distribution to other individuals in and around Middletown, New York, and elsewhere.

MEANS AND METHODS OF THE CONSPIRACY

5. The drug trafficking activities of the Colon Organization were conducted as follows:

a. Core Members of the Colon Organization regularly obtained a supply of multiple kilogram quantities of cocaine from Puerto Rico. The cocaine was transported to a location in Fairlawn, New Jersey, then further distributed to locations in and around Middletown, New York, as well as to members of the Distribution Network in the Bronx and Queens. In and around Middletown, some of the powder cocaine was cooked into crack, and the powder cocaine and crack was further distributed by Core Members to members of the Distribution Network, in meetings in parking lots, homes, and vehicles.

b. Core Members of the Colon Organization delivered the powder cocaine and crack, in amounts ranging from 2 grams to multiple kilograms, to members of the Distribution Network. Some deliveries were arranged via phone conversations, during which Core Members and members of the Distribution Network specified the amount of drugs, the price of the drugs, and the place and time to do the drug deal. The members of the Distribution Network repeatedly ordered drugs from the Core Members, and often obtained drugs from the Core Members on consignment and paid for them later.

STATUTORY ALLEGATION

6. From in or about May 2009, through in or about March 2010, in the Southern District of New York and elsewhere, MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," ANGEL COLON, a/k/a "A," GABRIEL BORIA, a/k/a "Indio,"

BENNY ROSARIO, a/k/a "Benny Blanco," EDUARDO SILVA, a/k/a "Long Hair," SANTOS CRESPO-AYUSO, a/k/a "Santi," MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," JONATHAN ASCA-TORRES, HERMAN BURTON, DONALD CANNON, JORGE CENTENO, a/k/a "Gee Kee," a/k/a "G," JOSE DE LA CRUZ, a/k/a "Nene," DAAMU DIGGS, a/k/a "Smoke," a/k/a "Mook," GUALBERTO FINES, a/k/a "Chucky," ANGEL GONZALEZ, OTIS JONES, a/k/a "O," DAMIAN LEWIS, THOMAS CARTER LOVE, THELONIOUS MONK, a/k/a "Shaka," CARLOS RIVERA, a/k/a "Moco," a/k/a "Moc," LIONEL VEGA, a/k/a "Pipo," PURYEAR VENABLE, a/k/a "Primo," CHARLES WARNER, a/k/a "C.J.," KEVIN WASHINGTON, and JAMES WILLIAMS, a/k/a "Vaughn," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

7. It was a part and object of the conspiracy that MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," ANGEL COLON, a/k/a "A," GABRIEL BORIA, a/k/a "Indio," BENNY ROSARIO, a/k/a "Benny Blanco," EDUARDO SILVA, a/k/a "Long Hair," SANTOS CRESPO-AYUSO, a/k/a "Santi," MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," JONATHAN ASCA-TORRES, HERMAN BURTON, DONALD CANNON, JORGE CENTENO, a/k/a "Gee Kee," a/k/a "G," JOSE DE LA CRUZ, a/k/a "Nene," DAAMU DIGGS, a/k/a "Smoke," a/k/a "Mook," GUALBERTO FINES, a/k/a "Chucky," ANGEL GONZALEZ, OTIS JONES, a/k/a "O,"

DAMIAN LEWIS, THOMAS CARTER LOVE, THELONIOUS MONK, a/k/a "Shaka," CARLOS RIVERA, a/k/a "Moco," a/k/a "Moc," LIONEL VEGA, a/k/a "Pipo," PURYEAR VENABLE, a/k/a "Primo," CHARLES WARNER, a/k/a "C.J.," KEVIN WASHINGTON, and JAMES WILLIAMS, a/k/a "Vaughn," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

8. The controlled substances involved in the offense were (1) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A), and (2) 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACTS

9. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 19, 2009, HERMAN BURTON and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which BURTON ordered a "buck."

b. On or about November 18, 2009, DAMIAN LEWIS

and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which LEWIS ordered "34."

c. On or about January 8, 2010, ANGEL COLON, a/k/a "A," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation about providing BORIA with cocaine in Middletown, New York.

d. On or about January 9, 2010, EDUARDO SILVA, a/k/a "Long Hair," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which SILVA said, "I need 350 but then I also got my other peoples too that are coming tomorrow," and in which BORIA asked, "You got the bread for the 350?"

e. On or about January 16, 2010, JAMES WILLIAMS, a/k/a "Vaughn," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which WILLIAMS said, "Give me 30 done and two undone."

f. On or about January 18, 2010, BENNY ROSARIO, a/k/a "Benny Blanco," and SANTOS CRESPO-AYUSO, a/k/a "Santi," the defendants, traveled to a location in Middletown, New York.

g. On or about January 25, 2010, CHARLES WARNER, a/k/a "C.J.," and ANGEL COLON, a/k/a "A," the defendants, had a telephone conversation in which WARNER ordered a "buck."

h. On or about January 30, 2010, JORGE CENTENO, a/k/a "Gee Kee," a/k/a "G," and ANGEL COLON, a/k/a "A," the defendants, had a telephone conversation.

i. On or about January 31, 2010, ANGEL GONZALEZ, and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which GONZALEZ ordered a "buck."

j. On or about February 1, 2010, OTIS JONES, a/k/a "O," and ANGEL COLON, a/k/a "A," the defendants, had a telephone conversation in which they arranged to meet.

k. On or about February 5, 2010, THOMAS CARTER LOVE and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which LOVE said, "I'm missing ten Supposed to be 260."

l. On or about February 6, 2010, THELONIOUS MONK, a/k/a "Shaka," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which MONK ordered "30" from BORIA and they arranged to meet at a location in Middletown, New York.

m. On or about February 11, 2010, DONALD CANNON, and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which CANNON ordered "60" from BORIA and they arranged to meet at a location in Middletown, New York.

n. On or about February 11, 2010, CARLOS RIVERA, a/k/a "Moco," a/k/a "Moc," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which RIVERA said, "Yo brother that was twenty-eight point five I got it on the thing right now."

o. On or about February 12, 2010, KEVIN

WASHINGTON and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which WASHINGTON ordered "50 soft and 5 hard."

p. On or about February 12, 2010, MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," the defendant, provided two kilograms of cocaine to MAUDO FRANCISCO GUITI-LOPEZ, a/k/a Modesto Andres Morrell Perez," a/k/a "Mysterio," the defendant, for distribution in the Bronx.

q. On or about February 12, 2010, MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," GUALBERTO FINES, a/k/a "Chucky," and JONATHAN ASCA-TORRES, the defendants, met in the Bronx, where GUITI-LOPEZ provided FINES and ASCA-TORRES with two kilograms of cocaine.

r. On or about February 15, 2010, LIONEL VEGA, a/k/a "Pipo," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which VEGA said, "Give me at least a buck and a half, and whatever the difference is I'll give it right to you today cause . . . I got at least four stacks coming to me right now."

s. On or about February 17, 2010, PURYEAR VENABLE, a/k/a "Primo," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which VENABLE ordered "The same shit plus ten . . . 50."

t. On or about February 17, 2010, DAAMU DIGGS, a/k/a "Smoke," a/k/a "Mook," and GABRIEL BORIA, a/k/a "Indio,"

the defendants, had a telephone conversation in which DIGGS said, "I got four. I need the half and half. . . . Hardball and softball."

u. On or about February 18, 2010, JOSE DE LA CRUZ, a/k/a "Nene," and GABRIEL BORIA, a/k/a "Indio," the defendants, had a telephone conversation in which DE LA CRUZ ordered "26" from BORIA and they discussed where to meet in Middletown, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

10. On or about February 12, 2010, in the Southern District of New York, MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," GUALBERTO FINES, a/k/a "Chucky," and JONATHAN ASCA-TORRES, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

11. The controlled substance involved in the offense was 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(B).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

12. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, MARK COLON, a/k/a "Marcos," a/k/a "Mono," a/k/a "Father," a/k/a "Woody," ANGEL COLON, a/k/a "A," GABRIEL BORIA, a/k/a "Indio," BENNY ROSARIO, a/k/a "Benny Blanco," EDUARDO SILVA, a/k/a "Long Hair," SANTOS CRESPO-AYUSO, a/k/a "Santi," MAUDO FRANCISCO GUITI-LOPEZ, a/k/a "Modesto Andres Morrell Perez," a/k/a "Mysterio," JONATHAN ASCA-TORRES, HERMAN BURTON, DONALD CANNON, JORGE CENTENO, a/k/a "Gee Kee," a/k/a "G," JOSE DE LA CRUZ, a/k/a "Nene," DAAMU DIGGS, a/k/a "Smoke," a/k/a "Mook," GUALBERTO FINES, a/k/a "Chucky," ANGEL GONZALEZ, OTIS JONES, a/k/a "O," DAMIAN LEWIS, THOMAS CARTER LOVE, THELONIOUS MONK, a/k/a "Shaka," CARLOS RIVERA, a/k/a "Moco," a/k/a "Moc," LIONEL VEGA, a/k/a "Pipo," PURYEAR VENABLE, a/k/a "Primo," CHARLES WARNER, a/k/a "C.J.," KEVIN WASHINGTON, and JAMES WILLIAMS, a/k/a "Vaughn," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to, the following:

a. A sum in United States currency representing

the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One and Two of the Indictment.

Substitute Asset Provision

13. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

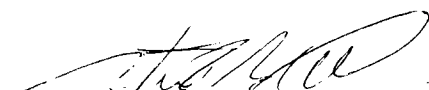
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


PREET BHARARA
United States Attorney